

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on March 1, 2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

NONE

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:45 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Councilwoman Tagger-Epstein made the following statement in her general announcements:

“Over the past weeks, we have seen a surge of Bias Hate Crimes against communities all over the nation.

In the last week alone, we’ve seen over 200 incidents of Hate Crimes across the country. I want to commend Attorney General Eric Schneiderman for leading the effort in his “Stand up to Hate” initiative by vowing full support of State law enforcement to protect the rights of New York’s most vulnerable communities and providing tools to local law enforcement and District Attorneys’ offices. Bringing together dozens of civil rights leaders today, he stated, ‘New York’s diversity is its greatest strength and we will not allow anyone to turn that strength against us.’

And our strengthened diversity was evident last week when I attended the 18th Annual Trailblazers award ceremony where local African-Americans were honored for their range of civic contributions to the community as part of Black history month. They were all remarkable in their fields for example Judith Watson is the executive director for the Greenburgh Health Center, a not-for-profit that provides to over 31,000 patients comprehensive health services regardless of their ability to pay, and Nathaniel Fields is the President and CEO of the Urban Resource Institute which helps victims of domestic violence. Domestic violence is a major threat to American women. More than one in three American women will experience some domestic abuse in her lifetime, and more than a million American women are physically assaulted by an intimate partner every year.

This ties into our Gun safety education component as the presence of a gun in a domestic violence situation increases the risk of homicide by 500%. One of the ways the URI helps these women is to have shelters that allow pets because they discovered women were not leaving abusive situations because they did not want to leave their pets.

The Trailblazers ceremony took place at the Jay Heritage Center. I find this fitting because in some ways, John Jay himself was a trailblazer. In 1756 slaves made up approximately 25 percent of the populations of Kings, Queens, Richmond, New York, and Westchester counties. It was John Jay who Immediately after Independence in 1777, while helping to draft New York State's first constitution sought to abolish slavery but was overruled.

In 1785, Jay and a few close friends, mostly slave owners, founded the New York State Society for Promoting the Manumission of Slaves. The Society entered lawsuits on behalf of slaves and organized boycotts. Jay also advocated subsidizing black education. 'I consider education to be the soul of the republic,' he wrote to Benjamin Rush in 1785. 'I wish to see all unjust and all unnecessary discriminations everywhere abolished, and that the time may soon come when all our inhabitants of every color and denomination shall be free and equal partakers of our political liberty.' (Councilwoman Tagger-Epstein thanked Suzanne Cleary for that information.)

In the continued pursuit of social justice, I am happy to announce that the Human Rights Commission will be meeting on March 23, 2017 at 7:30 PM and all our future meetings are now posted on the calendar on the city's website. I look forward to bringing forward ideas before this Council that are forward-thinking and open-minded in the spirit of John Jay."

Councilman Mecca stated that the Rye Fire Department will be continuing with their active training schedule. They are working hard to resolve the recent PESH violations. He thanked the career staff for their cooperation with the new Public Safety Commissioner. Councilman Mecca also announced that last Tuesday, there was a Planning Commission meeting. The parcel of land across from YMCA on Locust Avenue is up for discussion, as it is able to be developed. There are wetlands to consider. Mayor Sack commented that the applicant for development is a contract vendee and that the City has been told by the vendee

that no variances would be requested of the Zoning Board of Appeals. Mayor Sack also commented that the City needs an easement over that property to install a sewer syphon system.

Councilman McCartney announced that the Rye Golf Club Early Bird Registration will end at March 15, 2017. He also announced that registration for Recreation Camp 78 begins on March 7 at 10:00 A.M. online. The other spring program registration begins on March 14, 2017 at 10:00 A.M. online.

Councilwoman Killian announced that there will be a beach cleanup on Saturday, March 11, 2017 from 9:00-11:00 A.M. There will also be a career fair held on Saturday March 11, 2017 at Playland from 9:00 A.M. to 2:00 P.M. Councilwoman Killian also announced that there will be a public forum and open discussion on Rye Town Park to be held on Saturday, March 4, 2017 from 9:30 to 11:00 A.M. and Monday March 6, 2017 from 7:30 to 9:00 P.M. at the Rye Free Reading Room. Those events will have PowerPoint presentations and then break up into small groups. Also, on Saturday, March 4, 2017 there will be an open discussion regarding Rye Town Park at T and J's in Port Chester at noon. There is also a survey on the Rye Town Park website. Councilwoman Killian also announced that there is good news on Rye Town Park. The Rye Town Park Commission has entered into an agreement with a new licensee, Homestyle Caterers for the year. She said she was excited to move forward with them. Mayor Sack added that he and Councilwoman Killian had a positive experience with the restaurant consultant. He also added that there would be a Home rule proposed to negotiate a new deal to negotiate a lease up to twenty years. Currently the limit is three years, unless a provision is passed from the state legislature.

City Manager Serrano reported that the majority of the Dearborn Avenue Seawall has been repaired on the City of Rye portion. Councilwoman Killian encouraged residents to view the wall. There was discussion that the City feels strongly that the wall should be repaired rather than replaced.

Councilwoman Killian further announced that the Carver Center would be holding their annual event this Saturday, March 4, 2017 at the Capitol Theater at 6:30 P.M., featuring the band Jumping Jack Flash. Councilwoman Killian added that there have been two bomb threats at Westchester synagogues this week, which is completely unacceptable.

Councilwoman Bucci stated that the Lions Club will be hosting the 4th Annual Rye's Got Talent on Saturday, March 11, 2017. Proceeds will go to Guiding Eyes for the Blind.

Councilwoman Hurd stated that on March 1, 2017 there was a Chamber of Commerce meeting. She announced that several retail stores and restaurants were closing. However, she was happy to announce that the Village Social, the Granola Bar and Green Cube would be opening in the central business district. She also announced that March 19th will kick off is Hudson Valley Restaurant Week. She stated that on the Landmarks Committee front, the vote on Mile Marker 25 will take place on April 5, 2017. Lastly, concerning the United

Hospital site/ Starwood project, a draft findings statement was issued on February 28, 2017. Many traffic suggestions have been included.

Councilman McCartney stated that the City has had some negotiations with Starwood and they have promised to have something in several days.

4. Draft unapproved minutes of the regular meeting of the City Council held February 15, 2017.

Councilman McCartney made a motion, seconded by Councilwoman Hurd and unanimously carried, to adopt the minutes of the regular meeting of the City Council held February 15, 2017.

5. Issues Update/ Old Business.

There was nothing discussed under this agenda item.

6. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Mayor Sack stated that as a matter of public record, Crown Castle has submitted a new plan to the City of Rye on Monday, February 27, 2017. The tolling agreement expires on March 15, 2017 and a determination must be made. If nothing changes with Crown's current proposal prior to that date, the City needs to start making plans to deny the application. Mayor Sack asked attorney Joseph Van Eaton and Corporation Council Wilson to begin to prepare a resolution of denial, should the application not change. He asked that it include SEQRA determinations. Regardless of what happens to Crown Castle in two weeks, the City still feels that it needs to reinforce the local laws and update them to make them more relevant to reflect today's day in age. The Council and City staff have been hearing resident comments and received written comments, and the City is thankful for them and will be considering them closely in preparation for the final product at the next meeting. The version of the local laws is evolving and will likely continue to have alterations prior to the next Council meeting. In the meantime, the public hearing is still open.

Bob Zahm, 7 Ridgewood Drive, addressed the Council. He stated concern about nodes within the flood zone. He stated he was unclear about whether the proposed laws would be applicable to Crown Castle. Mayor Sack responded that they certainly would apply at a minimum to any other application that might come in. He Mr. Zahm also asked about reference to residential zones.

Joseph Van Eaton, Best Best & Krieger, stated that because most of the city is residential, the draft ordinances target types of property, such as parks or municipal property rather than zoning districts.

Paul Benowitz, Rye resident, asked for clarification regarding the definition for and environmentally sensitive area. Corporation Counsel Wilson responded that the definition came directly from the DEC as a basis and tweaked to directly apply to the City's law. Mr. Benowitz also asked about residential zones, and Mr. Van Eaton replied with a similar response to Mr. Zahm's same question, above.

Mayor Sack, in reading a question submitted by resident Vreni Roduner, if Verizon had permission to install facilities that she had recently seen placed in Rye. Mr. Van Eaton responded that this issue was likely a Verizon Fios issue, separate and apart from the current issue at hand with Verizon Wireless.

Callie Erickson, 190 Locust Avenue, addressed the Council. She was hopeful that the City would engage on the recent comments proposed by Zarin & Steinmetz. She inquired about the proposed language about special use permits and priority locations. She asked if the City had a list of existing towers and existing list. Corporation Counsel responded that such a list would be included in the future. The list is a work in progress and will take some time and due diligence on the City's part. Ms. Erickson asked who had the onus of identifying locations for priority. Mayor Sack responded that the onus is on the applicant to comply with the law, although the City can assist. Ms. Erickson asked why the five preferred locations had been omitted in the new draft.

Mr. Van Eaton responded that when analyzing the City's commercial areas, there are also residential zones within them, and the focus should shift to existing structures rather than speculative ones to protect as much as possible. This does not prevent the City from deciding to place a node in commercial area. Mr. Van Eaton continued and explained that the existing law does not favor existing structures, where the proposed law does.

Ms. Erickson handed out photos of existing structures to the Council. She also said she spoke with representative from Con Ed about the Con Ed rooftop. She stated that any applicant needed to prove that there is a gap in coverage. She was unclear about why Crown Castle needed DAS nodes when there was a tower on Con Ed's roof. There was some discussion about using specific light poles for nodes.

Mr. Van Eaton stated a light pole could potentially be a supporting structure. Councilman Mecca stated that there could be an issue with using the light poles on Interstate 95, as the property belongs to New York State and not the City of Rye. Mr. Van Eaton agreed, as the interstates have been very reluctant to approve facilities to avoid accident hazards.

Lia Laurino, 34 Oakland Beach Avenue, addressed the Council. She felt confused about a drawing that had dotted lines for future nodes. She stated she was concerned about

radiation. The Council recommended she contact Con Edison for a specific unrelated issue at her home.

There was some discussion over RF emissions to help clarify the issue for Ms. Laurino. Mr. Van Eaton said that the FCC has different standards for people who work near RF facilities than they do for the general public.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing to March 15, 2017.

7. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

8. Resolution to transfer \$45,000 from the Police Salaries line to the Building and Vehicle Fund for the purchase of a police vehicle.
Roll Call.

City Manager Serrano said that since there was an extra position in the budget, he would like to transfer \$45,000 over to the Building and Vehicle fund to purchase an additional vehicle.

Councilman McCartney asked why this item was not included in the budget. Mr. Serrano responded that Commissioner Corcoran did not “have a full inventory at the time.” Mr. Serrano stated that he recommended approving the resolution, as the funds were available.

Mayor Sack expressed concern as to the rationale of the transfer being put through this early in the year, just after budget season.

Councilwoman Tagger-Epstein stated support of the transfer, as it may be advantageous to be ahead of the game on the existing equipment.

Councilwoman Bucci stated that she would like more information to weigh against other priorities.

Mayor Sack tabled the item until the March 15, 2017 meeting for further discussion and analysis.

9. Consideration of the proposed revision to the Rules and Regulations of the City of Rye Police Department General Order #102.7 regarding the activities and operations of the Police Department Marine Unit.

City Manager Serrano said that this item had not been looked at for many years. He said that Commissioner Corcoran has been working hard to fine-tune the language in the Public Safety Policies.

Councilman Mecca made a motion, seconded by Councilman McCartney, to approve the proposed revision to the Rules and Regulations of the City of Rye Police Department General Order #102.7 regarding the activities and operations of the Police Department Marine Unit.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and
Tagger-Epstein
NAYS: None
ABSENT: None

10. **Miscellaneous communications and reports.**

There was nothing discussed under this agenda item.

11. **New Business.**

There was nothing discussed under this agenda item.

12. **Adjournment.**

There being no further business to discuss, Councilman Mecca made a motion seconded by Councilwoman Killian, to adjourn the regular meeting of the City Council at 9:06 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk